

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 5

February 9, 2001

SUBJECT: POLICIES AND AUTHORITY RELATIVE TO THE INSPECTOR GENERAL

PURPOSE: In 1991, the Independent "Christopher" Commission recommended the creation of the Office of Inspector General within the Los Angeles Police Commission (Commission). In April 1995, City Charter Amendment III was enacted, creating the Office of Inspector General. Since then, the City Attorney's Office has issued a number of opinions regarding the powers of the Inspector General, and the City Charter has been amended to further refine those powers. On November 21, 2000, the Commission unanimously passed a comprehensive resolution defining and expanding the policies and authority of the Inspector General.

This Order provides Department employees with the Commission's resolution, and delineates the responsibilities of Department employees in regard to requests made by the Inspector General as defined in the resolution.

PROCEDURE: All Department employees shall comply with the Commission's resolution regarding the Inspector General (attached). Essentially, the resolution provides that Department employees have a duty to cooperate fully with the Inspector General and provide complete, unrestricted, and prompt access to the Inspector General's request to inspect and/or photocopy any Department record that is accessible to the Commission. Additionally, the resolution provides that the Inspector General shall have prompt access to any Department employee, subject to any limitation(s) imposed by law or collective bargaining agreement.

The following procedure has been established to ensure that the Office of Inspector General is provided with prompt access to Department records, without compromising the safeguards for legally protected and/or intelligence information.

Note: This procedure does not apply to documents that are regularly provided to the Inspector General such as personnel investigations, use-of-force investigations, personnel files, and routine Department publications/directives. The protocol established for regularly provided materials shall take precedence over the procedure outlined in this Order.

I. EMPLOYEE'S RESPONSIBILITY. When the Inspector General or any member of the Office of Inspector General contacts a Department employee requesting access to a Department document(s), that employee shall:

- * Comply with any and all requests for access to the document(s);
- * Document any record(s) inspected by or provided to the Inspector General according to standard procedure for the requested record(s), such as a notation in a chronological log or entry on a Sign-Out Card, Form 15.31; and,
- * Notify a supervisor as soon as practicable.

Note: If an employee is uncertain whether the requested document(s) contains legally protected and/or intelligence information, the employee shall immediately contact a supervisor for advice. Generally, such documents include, but are not limited to, intelligence information (defined below) and information protected by laws external to the Department and/or law enforcement in general, such as those documents protected by attorney/client or doctor/patient privileges.

II. SUPERVISOR'S RESPONSIBILITY. A supervisor who is contacted by an employee regarding the release of a document(s) to the Office of Inspector General shall:

- * Ensure compliance with any and all requests from the Office of Inspector General for access to the document(s); and,
- * Notify his/her commanding officer of the request as soon as practicable.

Note: In cases where a supervisor is uncertain or suspects that the requested document(s) may contain legally protected and/or intelligence information, he/she shall contact the Chief of Staff for advice prior to allowing inspection or release of the document(s). The Chief of Staff shall make the determination regarding the status of the requested information, subject to review and final determination by the Chief of Police and/or the Commission.

III. COMMANDING OFFICER'S RESPONSIBILITY. Commanding officers shall:

- * Ensure complete compliance with the Commission's resolution;
- * Ensure that employees are trained to comply with the Commission's resolution and that they understand what material constitutes legally protected and/or intelligence information; and,
- * Ensure that the Office of the Chief of Staff is notified whenever a member of the Office of Inspector General inspects or retrieves documents.

Note: The notification shall include the date and time of the request, a brief description of the material requested including approximate volume, and the date and time of compliance to the request.

IV. INTELLIGENCE FILES - DEFINED. For purposes of this Order, intelligence information is described as any information or material(s) which is collected, received, developed, or maintained for the general or specific purpose of identifying or investigating terrorist individuals, terrorist groups, the actual or intended victims of such groups, or any organized criminal activity.

Access to intelligence files is protected by State and federal law, and requests for such information shall comply with the same guidelines established for the Commission.

AMENDMENTS: This Order amends Sections 2/140, 2/140.02, and 4/271.20, and adds Section 3/405.50 to the Department Manual.

AUDIT RESPONSIBILITY: The Chief of Staff shall monitor compliance with this directive in accordance with Manual Section 0/080.30.

BERNARD C. PARKS
Chief of Police

Attachment

DISTRIBUTION "D"